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SUBJECT: CORRUPTION ERADICATION COMMISSION SELECTING NEW  
COMMISSIONERS

REF A) JAKARTA 13603 (ACC Decision); B) JAKARTA 1391 (Indonesia  
Debates Reform of ACC)

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11. (SBU) SUMMARY: The Corruption Eradication Commission (KPK) Selection Committee is evaluating new commissioners for a four-year term beginning late December 2007. The new commissioners will lead the KPK at a critical time, determining the future direction of the KPK and the larger anti-corruption reform campaign in Indonesia. The KPK Selection Committee will recommend 10 candidates through the President by mid-September and the Parliament will select five commissioners from that list by December. These commissioners will have a critical role in continuing anti-corruption reform throughout the government and work to establish the longer-term institutional role of the KPK and ACC within the judicial framework of Indonesia. The long-term status of the KPK and attendant Anti-Corruption Court (ACC) - the government's premier anti-corruption bodies - are uncertain after a December 2006 Constitutional Court decision ruled that the process used to create the ACC was unconstitutional. End Summary.

KPK Selection to be Completed by December  
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12. (U) The KPK Selection Committee (SC) oversees the initial phases of identifying commissioner candidates. The SC is a 15-member committee composed of academics, civil society, and government officials and headed by the State Minister for Administrative Reform Tauffiq Effendi. The SC received 662 applications for the commissioner positions, reducing the list to 465 through administrative selection criteria. The field was cut to 256 through written exams. The field was further reduced to 75 candidates through profile assessments, which included the support of the U.S. human resources company Dunamis. The SC then selected 26 finalists for further testing and public interviews. Amien Sunaryadi, regarded as a quiet, effective reformer within the KPK, is the only

current commissioner on the list of 26 candidates. Waluyo, KPK Deputy for Prevention, Iswan Helmi, a KPK Director for Preliminary Investigations, and M. Yasin, Director of Research, are also candidates.

13. (U) The following is an overview of the remaining steps in the KPK commissioner selection process:

-- September 3-5: Final public interviews by SC at Hotel Borobudur. Each candidate has a one-hour interview. Public invited to observe, but only the SC poses questions.

-- September 6: SC recommends 10 candidates to President Yudhoyono. SC makes decision based on public interviews as well as private interviews and further Dunamis testing, including psychological exams, "integrity tests," writing exams, and management capability testing.

-- September 8: SC plans to meet with President to discuss list of candidates.

-- Mid-September: President presents list of 10 candidates to Parliament.

-- September - December: Parliament conducts interviews and gathers further information on candidates, conducting overall "fit and proper" tests. Work in Parliament will be based in Commission III on Law and Security.

-- Early-December: Parliament selects the five commissioners.

-- Late-December: Commissioners sworn in. Judicial Watch Coalition - a group of six NGOs including Partnership for Governance Reform in Indonesia (Kemitraan), Indonesia Corruption Watch, MAPPI, LEIP, and KRHN - will offer induction training and team-building workshops.

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14. (SBU) Embossos met with two KPK commissioners, Amien Sunaryadi and Erry Riyana, who are considered the leading reformers in the KPK. Sunaryadi and Riyana expressed optimism about the selection process, stating that the process has improved since its first use four years ago. The SC was enlarged from nine to 15; the SC has a more diverse membership with fewer bureaucrats; and the SC was given more time for its selection process. Riyana stated that Minister Effendi will likely informally consult with President Yudhoyono before Effendi presents the final list to him.

#### KPK Overview and Role of Commissioners

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15. (U) The KPK was established in 2002 in order to investigate and prosecute high-profile corruption cases, particularly cases involving law enforcement and government executives, cases over Rp 1 billion (\$109,000), and cases of public attention. The KPK is the only institution which can prosecute cases in the Anti-Corruption Court (ACC). The ACC and KPK have occupied a central role in President Yudhoyono's broader anti-corruption reform campaign. A December 2006 Constitutional Court ruling, however, placed the future of the KPK and ACC in question. The court declared the process which created the ACC unconstitutional, limiting its mandate to three years unless new legislation correcting the constitutional deficiencies is adopted within that timeframe (see reftel A). The KPK and ACC also face challenges due to the disparity between its vast mandate and its limited resources. Several groups, including the Ministry of Law and Human Rights and a coalition of NGOs, are working on draft legislation to address the Constitutional Court decision and institutionalize the role of the ACC and KPK (see reftel B). USAID has been providing technical assistance on this current draft, which preserves the power of the KPK and the ACC's continued role. Civil society leaders are optimistic that legislation will be passed by the December 2009 deadline.

16. (SBU) The five KPK commissioners are responsible for the overall leadership of the anti-corruption body and setting a strategic direction for their reform agenda. The current commissioners are:

Taufieqrachman Ruki (chair), Amien Sunaryadi, Sjahrudin Rasul, Tumpak Hatorangan Panggabean, and Erry Riyana Hardjapamekas. Multiple sources regard Amien Sunaryadi and Erry Riyana as effective commissioners committed to anti-corruption reform, whereas the other three commissioners are considered to be ineffective at best, obstructive at worst.

Comment: New Leaders, New Opportunity  
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¶7. (SBU) The KPK commissioners' role extends beyond the administration of an investigative and prosecutorial commission and includes a symbolic and strategic role in the anti-corruption reform campaign throughout the Indonesian government. These commissioners will influence the anti-corruption reform agenda throughout the government and work to establish the longer-term role of the KPK within the judicial framework of Indonesia. The KPK and ACC have encountered resistance, particularly in some corners of Parliament. Quiet encouragement from the Embassy on this selection process, particularly to Parliament, will allow the KPK and ACC to further build its institutional role and capacity within the larger GOI anti-corruption reform campaign.

List of KPK Commissioner Candidate  
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¶7. (U) List of 26 KPK Commissioner Candidates (publicly listed in August 16, 2007 edition of Kompas, a leading Indonesian language newspaper):

-- A.M. Krisdarudjati  
-- Ahmad Helmi  
-- Amien Sunaryadi (current commissioner)

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-- Antasari Azhar  
-- Bibit Samad Rianto  
-- Budi Santoso  
-- Chandra M. Hamzah  
-- Christianto Wibisono  
-- Daniel Pangaribuan  
-- Eddy RS  
-- Haryanto Hadoon  
-- Haryono  
-- Hening Tyastanto  
-- Iskander Sonhadjii  
-- Iswan Elmi (KPK Director for Preliminary Investigations)  
-- Justitia Tripurwasani  
-- Leonardus Joko Eko Nugroho  
-- M. Saleh Khalid  
-- Mangiring L. Toroean  
-- Marwan Effendy  
-- Moch. Yasin (KPK Director of Research)  
-- Saut Situmorang  
-- Sudibyo Triatmodjo  
-- Surachmin  
-- Waluyo (KPK Deputy for Corruption Prevention)  
-- Sudirman Ali

HUME